

PHILLIP A. TALBERT
United States Attorney
MARK MCKEON
ALEXANDRE DEMPSEY
Assistant United States Attorneys
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUU TIEU,

Defendant.

CASE NO. 1:20-CR-00109-DAD-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
AND ORDER

DATE: April 27, 2022
TIME: 1:00 p.m.
COURT: Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on April 27, 2022.
2. By this stipulation, defendants now move to continue the status conference until June 22, 2022, and to exclude time between April 27, 2022, and June 22, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports, recordings, electronic evidence, and other documents that exceeds 23,772 pages. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1 b) Counsel for defendant desires additional time to conduct investigation and
2 research related to the charges, to conduct investigation and research related to the charges, to
3 review discovery for this matter, and to discuss possible resolutions with the government and the
4 defendants.

5 c) Counsel for defendant is preparing to withdraw and have new counsel substitute
6 into the case in the immediate future.

7 d) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny him/her the reasonable time necessary for effective preparation, taking
9 into account the exercise of due diligence.

10 e) The government does not object to the continuance.

11 f) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendants in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of April 27, 2022 to June 22, 2022,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
17 because it results from a continuance granted by the Court at defendants' request on the basis of
18 the Court's finding that the ends of justice served by taking such action outweigh the best interest
19 of the public and the defendants in a speedy trial.

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

23
24 ///

25 ///

26 ///

27 ///

28 ///

1 IT IS SO STIPULATED.

2
3 Dated: April 19, 2022

PHILLIP A. TALBERT
United States Attorney

4
5 /s/ ALEXANDRE DEMPSEY
ALEXANDRE DEMPSEY
6 Assistant United States Attorney

7 Dated: April 19, 2022

/s/ EDGAR SEVILLA III
EDGAR SEVILLA III
8 Counsel for Defendant
9 HUU TIEU

10
11 **ORDER**

12 IT IS SO ORDERED that the status conference is continued from April 27, 2022, to **June 22,**
13 **2022, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18
14 U.S.C. § 3161(h)(7)(A), B(iv). The Court intends to set a trial date at the next status conference. If the
15 parties do not resolve the case in advance of the next status conference, they shall be prepared to set a trial
16 date at the status conference hearing.

17
18 IT IS SO ORDERED.

19 Dated: April 19, 2022

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE